

FILED  
CLERKS OFFICE  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
2005 MAR -1 P 4:03

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CRIMINAL CASE NO. 04-10231-MLW

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UNITED STATES OF AMERICA )  
 )  
v. )  
 )  
PETER V. MAGGIO, III, ET AL. )  
 )

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STATUS REPORT

The United States submits this report to the Court.

The superseding indictment was returned by the Grand Jury on August 12, 2004, as to all 7 defendants. The first initial appearance (defendant Paradiso) was held on September 28, 2004, and the last initial appearance was held on November 10, 2004 (defendant Havey).

The court (Magistrate Judge Dein) held status conferences on December 21, 2004 and February 18, 2005, and scheduled a status conference for April 4, 2005. The time from August 12, 2004 to April 4, 2005 has been excluded from the Speedy Trial Act.

The Government has engaged in preliminary plea discussions with some or all defense counsel.

Prosecution of defendant DeVeau was transferred to the Northern District of New York for entry of guilty pleas and sentencing, per Order (District Judge Wolf) entered on January 20, 2005.<sup>1</sup>

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<sup>1</sup> The Order is not yet reflected on the ECT docket.

On January 19, 2005, counsel for defendant Havey filed a Motion To Strike Surplusage From Indictment. The Government did not oppose the motion for the reason that the subject language was included in the indictment in light of *Blakely v. Washington*, 524 U.S.\_\_\_\_, 124 S.Ct. 2531 (2004), and such specification by the Grand Jury is moot in light of *United States v. Booker*,\_\_ U.S.\_\_, 125 S.Ct. 738 (2005). The Court (District Judge Wolf) granted the motion to strike surplusage on February 28, 2005.

By letter dated January 19, 2005, counsel for defendant Havey notified the Government of certain requests for discovery. By permitting essentially "open book" discovery, the Government is providing broad discovery which may satisfy some or all of the requests. The discovery requests are in any event reserved, pending ongoing discovery and plea discussions among some or all counsel. In the event that some or all remaining defendants were to proceed to trial, the Government will, at the appropriate time and among the appropriate defendants, request that discovery requests be conjoined among counsel as provided by Local Rule 116.3(H) (consolidated written defense requests and motions for discovery).

Counsel for three defendants reviewed documents at the FBI on February 28, 2005, and are scheduled to further review the documents, with defendants, on March 25, 2005.

Respectfully submitted this 1<sup>st</sup> day of March, 2005.

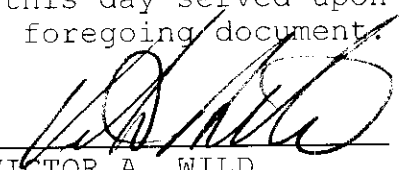
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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.

  
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